CLERK'S OFFICE U.S. DIST. COURT AT ROANOKE, VA FILED

## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

JAN 2 0 2006 JOHN F. CORCORAN, CLERK BY:

ANTHONY C. REID,	)		
Petitioner,	)	Civil Action No. 7:06cv00017	
	)		
	)		
<b>v.</b>	)	MEMORANDUM OPINION	
	)		
	)		
UNITED STATES OF AMERICA,	)	By: Samuel G. Wilson	
Respondent.	)	United States District Judg	ŗе

This matter is before the court on the motion of petitioner, Anthony C. Reid. Reid has styled his motion a "Motion for Relief from Judgment Pursuant to F.R.Civ.P. Rule 60(b)(5) or (6)," and he claims to be seeking Rule 60(b) review of the court's denial of his 1999 28 U.S.C. § 2255 motion; however, his motion is actually a direct attack on his conviction, which the court must construe as a motion pursuant to 28 U.S.C. § 2255. <u>U.S. v. Winestock</u>, 340 F.3d 200, 207 (4th Cir. 2003). Because Reid has already filed one § 2255 motion, his current motion is successive, and the court may only review it if the Fourth Circuit has authorized Reid to file a successive § 2255 motion. 28 U.S.C. § 2255. Reid does not allege that the Fourth Circuit has authorized him to file a successive motion. Accordingly, the court lacks jurisdiction to review Reid's motion and, therefore, dismisses it.

ENTER: This 2014 day of January, 2006.

United States District Judge